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HUB LAW OFFICES

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF MARIN

13 CHURCH OF SCIENTOLOGY  
INTERNATIONAL, a California not-  
14 for-profit religious corporation,

15  
16 Plaintiff,

17  
18 vs.

19  
20  
21  
22 GERALD ARMSTRONG; DOES 1 through  
25, inclusive,

23  
24  
25 Defendants.  
26  
27  
28

) CASE NO. 157 680  
)  
) [CONSOLIDATED]  
)  
) CHURCH OF SCIENTOLOGY  
) INTERNATIONAL'S OBJECTIONS  
) TO ARMSTRONG'S EVIDENCE IN  
) SUPPORT OF OPPOSITION TO  
) PLAINTIFF'S PENDING  
) MOTIONS FOR SUMMARY  
) ADJUDICATION; MOTION TO  
) STRIKE EVIDENCE; AND  
) REQUEST FOR SANCTIONS  
) AGAINST GERALD ARMSTRONG  
) AND FORD GREENE [C.C.P. §  
) 437c(i)]  
)  
) DATE: September 29, 1995  
) TIME: 9:30 a.m.  
) DEPT: 1  
)  
) TRIAL DATE: None set  
)  
)  
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I.  
INTRODUCTION

1  
2 Plaintiff, Church of Scientology International ("plaintiff"  
3 or "the Church") objects to the evidence submitted by defendant  
4 Gerald Armstrong ("Armstrong") as follows:  
5

6 Plaintiff objects, first, to the consideration by this Court  
7 of any of the documents filed by Armstrong in propria persona on  
8 September 19, 1995. These include nine (9) or ten (10) volumes  
9 labeled "Evidence in Support of Oppositions to Motions for  
10 Summary Adjudication of 20th Cause of Action; and 13th, 16th,  
11 17th and 19th Causes of Action of Second Amended Complaint,"  
12 "Armstrong's Separate Statement of Disputed Facts In Opposition  
13 To Motion for Summary Adjudication of the Twentieth Cause of  
14 Action of the Second Amended Complaint," and "Armstrong's  
15 Separate Statement of Disputed and Undisputed Facts In Opposition  
16 to Motion for Summary Adjudication of the 13th, 16th, 17th and  
17 19th Causes of Action of the Second Amended Complaint."

18 Plaintiff objects to these documents in toto because they were  
19 filed by Armstrong in pro per after he was represented by  
20 counsel; they were filed late; and plaintiff's lawyers were  
21 served with different sets of documents, making it impossible for  
22 plaintiff to ascertain what actually **has** been filed with the  
23 Court and what has not.

24 Alternatively, plaintiff asks this Court to strike  
25 completely at a minimum those exhibits which it presently holds  
26  
27  
28



1 under seal.<sup>1</sup> The additional grounds for striking these exhibits  
2 are that the exhibits are copies, altered versions or  
3 descriptions of protected trade secrets and copyrighted material,  
4 held by the Church as confidential; they are not relevant to any  
5 issue to be determined by this Court; and the exhibits were  
6 offered by Armstrong solely for an improper purpose: that is, to  
7 use the files of this Court as a soapbox from which to engage in  
8 still further breaches of his Agreement with the Church.

9 The Church also raises specific evidentiary objections to  
10 the evidence submitted by Armstrong, most of which is  
11 unauthenticated or improperly authenticated, hearsay, opinion,  
12 irrelevant, prejudicial and otherwise improperly submitted to the  
13 Court.

14 Finally, the Church seeks sanctions pursuant to C.C.P.  
15 Section 437c(i) against Armstrong and his counsel for this  
16 massive, bad faith, and improper onslaught of rumor, defamation,  
17 and wholesale vilification of an entire religion on the pretense  
18 of filing evidence.

19 II.  
20 ARMSTRONG'S IN PRO PER FILING  
SHOULD BE STRICKEN IN ITS ENTIRETY

21 A. A Party May Not File Documents In Pro Per When He is  
22 Represented by Counsel.

23 It is well-established California law that once a party is  
24 represented by counsel in a particular proceeding, the client

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25 <sup>1</sup>Those exhibits include: Vol. VI, 1(J)(A), 1(J)(M); Vol. VII,  
26 1(J)(A), 1(J)(M); Vol. IX, 2(A), 2(C), 3(B), 5(B), and 7(A); and  
27 the exhibits attached to the Greene and Armstrong declarations  
28 submitted in opposition to plaintiff's ex parte application on  
September 20, 1995.



1 relinquishes direct control over the proceedings. All legal  
2 steps must be taken by the attorney and documents filed by the  
3 client directly are to be stricken by the court. In People v.  
4 Mattson (1959) 51 Cal.2d 777, 336 P.2d 937, the defendant had  
5 presented documents on appeal in propria persona although he was  
6 represented by counsel. The California Supreme Court refused to  
7 consider the defendant's documents, which, in its opinion,  
8 "reflect[ed] his misconceptions of and refusal to adhere to  
9 established rules of law." 336 P.2d at 952. The defendant's pro  
10 per documents (like Armstrong's, voluminous) were stricken in  
11 toto. Id.

12 Similarly, in Electric Utilities Co. v. Smallpage (1934) 137  
13 Cal.App. 640, 31 P.2d 412, the plaintiff filed points and  
14 authorities himself, although he was still represented by an  
15 attorney of record. In striking the plaintiff's brief from the  
16 record, the court said, "he has no legal authority to appear and  
17 file points and authorities or control the proceedings on appeal  
18 in his own behalf." Electric Utilities 31 P.2d at 413.

19 Armstrong had represented himself in this case only briefly  
20 - long enough to file for bankruptcy in April, 1995. Mr.  
21 Greene, his previous attorney of record, substituted back into  
22 the case on September 14, 1995.

23 When Mr. Greene filed memoranda of points and authorities on  
24 behalf of Mr. Armstrong on September 18, 1995, Armstrong  
25 simultaneously filed, on his own behalf, two separate statements  
26 of disputed facts and ten volumes of evidence in support of those  
27 separate statements. All of these documents assert that they  
28



1 area filed by Gerald Armstrong "in propria persona"; and all are  
2 signed by Armstrong, not Mr. Greene. Moreover, like the papers  
3 filed by the Mattson defendants, Armstrong's massive filings  
4 "reflect his misconceptions of and refusal to adhere to  
5 established rules of law." Like the Mattson documents, they  
6 should be stricken in toto.

7 **B. Armstrong Did Not File Or Serve His Documents Properly**

8 Code of Civil Procedure § 437c(b) provides in relevant part  
9 that, "Any opposition to [a motion for summary adjudication]  
10 shall be served and filed not less than 14 days preceding the  
11 noticed or continued date of the hearing, unless the court for  
12 good cause orders otherwise."

13 Plaintiff's summary adjudication motions have been pending  
14 with this Court since February, 1995. They were fully briefed by  
15 April, 1995, and this Court was ready to rule. Armstrong had  
16 delayed the hearing of the motions for months by firing his  
17 attorney (Mr. Greene), and then obtaining extensions of time in  
18 which to respond. Apparently still unhappy with his defense,  
19 Armstrong further delayed the hearings by filing for bankruptcy  
20 on the day this Court was due to issue its tentative ruling.

21 Nonetheless, this Court generously permitted Armstrong to  
22 file still additional papers with the Court, and to do so fewer  
23 than 14 days before the re-scheduled hearing. However,  
24 Armstrong's counsel asserted that he intended only to file a  
25 memorandum of points and authorities, which Armstrong had not  
26 filed previously. On September 15, 1995, he was ordered to serve  
27 and file the memorandum of points and authorities by 10:00 a.m.

28



1 on September 18.

2 Armstrong did not file anything on the morning of September  
3 18 as ordered [Wilson Dec.]. His failure to file in accordance  
4 with the Court's clear order also warrants striking of his  
5 exhibits. Further, although he served a set of exhibits on  
6 plaintiff's local counsel, Wilson, Ryan & Campilongo, in a timely  
7 fashion, Mr. Greene insisted to Ms. Bartilson that these exhibits  
8 were not consistent with those eventually filed with this court.  
9 Moreover, the ten volumes which were served on September 18, 1995  
10 were not identical to the ten volumes mailed by Armstrong to  
11 plaintiff's counsel, with a postmark of September 19, 1995. In  
12 fact, one entire volume of exhibits with thirty-four different  
13 documents was included in the set served on Wilson, Ryan &  
14 Campilongo ("Wilson set") but not included in the set served on  
15 Moxon & Bartilson ("Bartilson set") [Declaration of Laurie J.  
16 Bartilson in support of Plaintiff's Objection to Armstrong's  
17 Evidence]. Further, there were other miscellaneous exhibits in  
18 the Wilson set which were not included in the Bartilson set.  
19 [Id.]

20 In short, the evidence was filed late, beyond the time  
21 permitted by the Court after it had already graciously given an  
22 extension; the evidence was filed by a party although he was  
23 represented by counsel and the counsel had previously stated that  
24 no upper level materials would be filed; the full evidence was  
25 not delivered to both sets of plaintiff's counsel and no good  
26 cause exists to permit the evidence to be considered. The ten  
27 volumes should, accordingly, be stricken.

28



1 Armstrong's "evidence" is merely his attempt to transform  
2 this court into a vehicle to enable him to further breach his  
3 settlement agreement with the Church. Armstrong is using this  
4 court to again air his venom and attempt to continue his breaches  
5 of his prior agreements with the Church.

6 III.  
7 IN THE ALTERNATIVE, THE COURT SHOULD STRIKE THE  
8 CONFIDENTIAL EXHIBITS BECAUSE THEY ARE RE-CREATED  
9 VERSIONS OF PLAINTIFF'S TRADE SECRETS

10 Armstrong and other declarant claim that Exhibits 1(J)(A),  
11 1(J)(M), 2(C), 3(B) and 5(B) are copies of "OT III" and/or "Upper  
12 Level" materials.<sup>2</sup> "Upper Level" scripture (known as the  
13 "Advanced Technology") is scripture which is the product of some  
14 of L. Ron Hubbard's advanced researches into the human spirit.  
15 The designation "OT III" stands for "Operating Thetan, Level 3,"  
16 and is part of Scientology's Advanced Technology.<sup>3</sup> Scientology  
17 theology provides that the Advanced Technology is kept  
18 confidential, and disclosed to Scientology parishioners only when  
19 those parishioners have completed the earlier necessary steps in  
20 Scientology's path to greater spiritual awareness. The  
21 Confidential Exhibits are re-created versions of trade secrets  
22 that are kept confidential by the Church, and that must not be  
23 kept in the Court's public files.

24 <sup>2</sup> Exhibits 2(A) and 7(A) contain lengthy descriptions of the  
25 confidential works, including some trade secrets.

26 <sup>3</sup> Scientologists refer to the person himself, the being, as a  
27 "thetan." The definition of the state of "Operating Thetan" is  
28 "knowing and willing cause over life, thought, matter, energy,  
space and time." To be permitted access to the confidential  
Advanced Technology, through which a person achieves the state of  
Operating Thetan, the person must progress first through all the  
lower, gradient levels of Scientology religious counseling.



1 The California Civil Code provides that trade secrets, or  
2 even matters alleged to be trade secrets, must be protected while  
3 they are involved in litigation:

4 In an action under this title, a court shall  
5 preserve the secrecy of an alleged trade secret by  
6 reasonable means, which may include granting protective  
7 orders in connection with discovery proceedings,  
8 holding in-camera hearings, sealing the records of the  
9 action, and ordering any person involved in the  
10 litigation not to disclose an alleged trade secret  
11 without prior court approval.

12 Civil Code § 3426.5 (emphasis supplied).

13 Armstrong has filed the Confidential Exhibits in this  
14 Court's public files solely to harass plaintiff. He is well  
15 aware of plaintiff's interest in the documents as trade secrets.  
16 Indeed, the materials in question have been judicially recognized  
17 as trade secrets under Civil Code § 3426.1 in Bridge Publications  
18 Inc. v. Vien (S.D.Cal. 1993) 827 F.Supp. 629 at 633, citing  
19 Religious Technology Center v. Scott (9th Cir. 1989) 869 F.2d  
20 1306, 1309-10 (holding that the Advanced Technology can be  
21 protectable as a trade secret).

22 In Vien, the Court granted summary judgment for trade secret  
23 misappropriation, finding these confidential scriptures to be  
24 trade secrets as a matter of law. Id. at 633. The Vien court  
25 specifically recognized that the confidentiality and security  
26 requirements of Civil Code § 3426.1 had been met with respect to  
27 the Advanced Technology, and that it had independent economic  
28 value. 827 F.Supp. at 633, quoting Murdock v. Commonwealth of  
Pennsylvania (1943) 319 U.S. 105, 111, 63 S.Ct. 870, 874, 87  
L.Ed. 1292; Cal. Civ. Code § 3426.1(d).

The documents in Armstrong's Confidential Exhibits are re-



1 creations of portions of Advanced Technology which the Vien court  
2 has already adjudicated to be trade secrets as a matter of law.

3 While there is other litigation pending in several districts  
4 with respect to the trade secret status of these materials, the  
5 Vien case is the only case which has reached a final and binding  
6 judgment. In no case has a court failed to seal or strike the  
7 materials from the public record

8 The preliminary order of the Colorado District Court cited  
9 by Armstrong in previous papers is readily distinguishable. The  
10 order in question was just an order denying a preliminary  
11 injunction, not a final adjudication as to the trade secrets  
12 status of the documents. The only final adjudication of that  
13 issue is the Vien case, supra. Moreover, even when the Colorado  
14 Court declined to issue a preliminary injunction, it nonetheless  
15 entered an order prohibiting the defendants from further copying  
16 or disclosure of the materials. Finally, the Court also ordered  
17 the sealing of the records in its own Court, so as to protect the  
18 materials while the litigation was pending.

19 Armstrong's interjections of these materials into the  
20 Court's files is objectionable not merely because they are trade  
21 secrets, but also because a church has a generalized interest in  
22 maintaining confidentiality of internal documents both for itself  
23 and its parishioners. U.S. v. Hubbard (D.C.Cir. 1980) 650 F.2d  
24 293, 306-07. The Confidential Exhibits are not the subject of  
25 this litigation. Armstrong's counsel, Mr. Greene, **acknowledged**  
26 this, and told plaintiff's counsel that he had instructed  
27 Armstrong not to file them. Armstrong did so anyway. Armstrong  
28



1 obviously has filed these documents intentionally because he  
2 knows they are trade secrets and he wants to harm the Church.

3 Finally, it is well-established law that a Court may enter a  
4 protective order limiting disclosure of civil litigation  
5 materials or sealing the court file, and that those judicial  
6 actions do not violate the First Amendment.

7 Every court has supervisory power over its own records and  
8 files, and access has been denied where court files might  
9 have become a vehicle for improper purposes. For example,  
10 the common-law right of inspection has bowed before the  
11 power of a court to insure that its records are not "used to  
12 gratify private spite or promote public scandal" through the  
13 publication of "the painful and sometimes disgusting details  
14 of a divorce case." Similarly, courts have refused to permit  
15 their files to serve as reservoirs for libelous statements  
16 for press consumption, or as sources of business information  
17 that might harm a litigant's competitive standing.

13 Nixon v. Warner Communications, Inc. 435 U.S. 589 (1978)

14 In the leading case of Seattle Times Co. v. Rhinehart, 467  
15 U.S. 20 (1984), a newspaper defendant challenged a court order  
16 preventing the publication of information obtained during  
17 discovery. The defendant claimed it was unconstitutional as a  
18 "prior restraint", but the Court rejected that argument and  
19 emphasized that "an order prohibiting dissemination of discovered  
20 information before trial is not the kind of classic prior  
21 restraint that requires exacting First Amendment scrutiny. 467  
22 U.S. at 33 (emphasis added). Indeed, that Court also found that  
23 protective orders further "a substantial governmental interest  
24 unrelated to the suppression of expression." 467 U.S. at 34. The  
25 Court concluded:

26 There is an opportunity, therefore, for litigants to obtain  
27 -- incidentally or purposefully -- information that not only  
28 is irrelevant but if publicly released could be damaging to  
reputation and privacy. The government clearly has a



1 substantial interest in preventing this sort of abuse of its  
2 process. CF Herbert v. Lando, 441 U.S. 153, 176-177 (1979);  
3 Gumbel v. Pitkin, 124 U.S. 131, 145-146 (1888). As stated by  
4 Judge Friendly in International Product Corp. v. Koons, 325  
5 F.2d 403, 407-408 (CA 2 1963), "[w]hether or not the Rule  
6 itself authorizes [a particular protective order]... we have  
7 no question as to the court's jurisdiction to do this under  
8 the inherent 'equitable powers of courts of law over their  
9 own process, to prevent abuses, oppression, and  
10 injustices'...

11 Id. at 35-36 (emphasis added) (footnote omitted, citation  
12 omitted).

13 In the wake of Seattle Times, courts have widely held that  
14 protective orders may be enforced notwithstanding the assertion  
15 of First Amendment rights and have applied that rule of law  
16 repeatedly, even for non-parties to the original protective  
17 order.

18 Just last week in the United States District Court in  
19 Cincinnati, in a case by Procter & Gamble against McGraw-Hill, as  
20 parent of Business Week magazine, the district court issued a  
21 temporary restraining order preventing Business Week from  
22 printing information from sealed court documents in a story it  
23 was writing, restraining them from disclosing "documents filed  
24 under seal or order thereof without the prior consent of this  
25 Court." [Request for Judicial Notice, Exhibit A.] The subject  
26 matter there was financial information about derivative losses  
27 contained in a sealed court file in Procter & Gamble's suit  
28 against Bankers Trust New York. Business Week claimed they had  
lawfully obtained these sealed court documents from a  
confidential source. Business Week has not been successful in  
its efforts to overturn this order: the right of the Court to  
maintain the confidentiality of its sealed files has remained inviolate.







1 Armstrong and Greene should be sanctioned, jointly and severally,  
2 in the amount of \$2000.

3  
4 **V.**  
**SPECIFIC EVIDENTIARY OBJECTIONS**

5 Evidence filed in support of or opposition to a summary  
6 adjudication motion must consist of affidavits or declarations  
7 "made by the person on personal knowledge." C.C.P. §437c(d).  
8 They "shall set forth admissible evidence, and shall show  
9 affirmatively that the affiant is competent to testify to the  
10 matters stated in the affidavits or declarations." Id. Marin's  
11 Local Rules require that declarations "state facts which show  
12 that the affiant or declarant has personal knowledge of the facts  
13 set forth in the affidavit or declaration." Rule  
14 3.13(S)(1)(a)(ii).

15 The evidence offered by Armstrong fails to meet the most  
16 basic criteria which define when evidence shall be admitted.  
17 Plaintiff therefore objects to the evidence as follows:

18 **A. Improper Authentication**

19 Marin County Local Rule 3.13(S)(1)(b) provides that  
20 documentary evidence submitted by a party must be accompanied by  
21 an affidavit or declaration which identifies and authenticates  
22 the document. Parties are also required to comply with the best  
23 evidence rule.

24 The Church objects to the following exhibits offered by  
25 Armstrong because they are not original documents, are not  
26 properly identified, and/or are not properly authenticated by  
27 anyone with personal knowledge of the original document:  
28 Ex. 1(A)(A); Ex. 1(A)(B); Ex. 1(A)(E); Ex. 1(A)(F); Ex. 1(A)(G);



1 Ex. 1(A) (I); Ex. 1(A) (K); Ex. 1(A) (M); Ex. 1(A) (N); Ex. 1(A) (P);  
2 Ex. 1(A) (Q); Ex. 1(B) (B); Ex. 1(B) (C); Ex. 1(B) (D); Ex. 1(B) (E);  
3 Ex. 1(B) (F); Ex. 1(B) (G); Ex. 1(B) (K); Ex. 1(B) (L); Ex. 1(B) (M);  
4 Ex. 1(B) (N); Ex. 1(B) (O) and all exhibits thereto; Ex. 1(B) (P)  
5 and all exhibits thereto; Ex. 1(B) (Q) and all exhibits thereto;  
6 Ex. 1(E) and all exhibits thereto; Ex. 1(F); Ex. 1(G) (A);  
7 Ex. 1(G) (B); Ex. 1(G) (C); Ex. 1(G) (M); Ex. 1(G) (P); Ex. 1(H) (F);  
8 Ex. 1(I) (E); Ex. 1(I) (J); Ex. 1(J) (A); Ex. 1(J) (B); Ex. 1(J) (C);  
9 Ex. 1(J) (D); Ex. 1(J) (E); Ex. 1(J) (G); Ex. 1(J) (I); Ex. 1(J) (K);  
10 Ex. 1(J) (L); Ex. 1(J) (M); Ex. 1(J) (N); Ex. 1(K); Ex. 1(R);  
11 Ex. 1(S); Ex. 1(T); Ex. 1(U); Ex. 1(Y); Ex. 1(CC); Ex. 2;  
12 Ex. 2(A); Ex. 2(B); Ex. 2(C); Ex. 3(A); Ex. 3(B); Ex. 4;  
13 Ex. 4(A); Ex. 4(B); Ex. 5(A); Ex. 5(B); Ex. 6; Ex. 6(A);  
14 Ex. 6(B); Ex. 7; Ex. 7(A); Ex. 7(B); Ex. 8.

15 **B. Hearsay**

16 Hearsay is not permitted as evidence in opposition to a  
17 summary adjudication motion. Further, "[s]tatements in  
18 declaration on information and belief are hearsay and will be  
19 disregarded." Rule 3.13(S)(1)(a)(v). Plaintiff objects to the  
20 following exhibits because they consist almost entirely of  
21 hearsay and inadmissible statements of belief: Ex. 1, 1:3-11:20;  
22 12:27-14:6; 14:22-17:20; 18:13-23; 22:5-30:25; Ex. 1(A) 1-4, 7-22;  
23 Ex. 1(A) (E); Ex. 1(A) (L); Ex. 1(B) 1-6, 9-18; Ex. 1(B) (H);  
24 Ex. 1(B) (J); Ex. 1(B) (K); Ex. 1(B) (L); Ex. 1(B) (O) 1:25-11:18;  
25 Ex. 1(B) (P) 1:9-16:8; Ex. 1(B) (Q) 1:15-7:23; Ex. 1(E) (E) 1-10;  
26 Ex. 1(E) (I); Ex. 1(E) (J); Ex. 1(E) (K); Ex. 1(G) 3:25-16:1;  
27 Ex. 1(I) (B); Ex. 1(I) (E); Ex. 1(I) (J); Ex. 1(J) 2:1-8:21;

28



1 Ex. 1(K)1:26-5:12; Ex. 2, 1:15-17:26; Ex. 2(A), 1:14-25, 3:12-  
2 4:1, 5:14-7:24, 8:5-23:10, 29:25-79:18; Ex. 3, 1:19-4:8; Ex. 4,  
3 1:13-3:17; Ex. 4(A); Ex. 5, 1:12-3:15; Ex. 6, 1:23-4:6; Ex. 7, 1-  
4 5; Ex. 8, 1:10-4:18; Ex. 10, 1:23-25:4.

5 **C. Opinion**

6 Evidence in the form of a lay person's opinion is  
7 inadmissible. The following exhibits consist of opinion's  
8 offered by Armstrong or others and are inadmissible: Ex. 1, 1:3-  
9 11:20; 12:27-14:6; 14:22-17:20; 18:13-23; 22:5-30:25; Ex. 1(A)1-  
10 4, 7-22; Ex. 1(A)(L); Ex. 1(B)1-6, 15-18; Ex. 1(B)(O)1:25-11:18;  
11 Ex. 1(B)(P) 1:9-16:8; Ex. 1(B)(Q)1:15-7:23; Ex. 1(E)(E)1-10;  
12 Ex. 1(G)3:25-16:1; Ex. 1(I)(A); Ex. 1(J)1:8-2:23, 3:14-4:15, 5:7-  
13 16, 6:12-8:21; Ex. 2, 1:15-17:26, Ex. 2(A), 1:14-25, 5:2-11, 8:5-  
14 23:10, 25:29-79:18; Ex. 3, 1:19-4:8; Ex. 4, 1:13-3:17; Ex. 4(A);  
15 Ex. 5, 1:12-3:15; Ex. 6, 1:23-4:6; Ex. 7, 1-5; Ex. 8, 1:10-4:18;  
16 Ex. 10, 1:23-25:4.

17 **D. Lack of Personal Knowledge**

18 The bulk of the statements made by Armstrong and his  
19 witnesses consist of conclusions for which no foundation showing  
20 any personal knowledge is laid. Plaintiff objects to the  
21 admission of the following evidence on the grounds that the  
22 declarant has not supplied facts demonstrating personal knowledge  
23 of the facts alleged: Ex. 1, 1:3-11:20; 12:27-14:6; 14:22-17:20;  
24 18:13-23; 22:5-30:25; Ex. 1(A)(L); Ex. 1(B)1-6, 9-18;  
25 Ex. 1(B)(O)1:25-11:18; Ex. 1(B)(P) 1:9-16:8; Ex. 1(B)(Q)1:15-  
26 7:23; Ex. 1(E)(E)1-10; Ex. 1(G)3:25-16:1; Ex. 1(I)(A); Ex. 6,  
27 1:23-4:6; Ex. 7, 1-5; Ex. 8, 1:10-4:18; Ex. 10, 1:23-25:4.

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1 **E. Irrelevant**

2 Evidence which is not relevant to any material issue raised  
3 by pending motions is inadmissible. Plaintiff objects to the  
4 admission of the following evidence on the grounds that it is not  
5 relevant to any matter presently at issue: Ex. 1; Ex. 1(A);  
6 Ex. 1(A) (A); Ex. 1(A) (B); Ex. 1(A) (C); Ex. 1(A) (D); Ex. 1(A) (E);  
7 Ex. 1(A) (F); Ex. 1(A) (G); Ex. 1(A) (I); Ex. 1(A) (K); Ex. 1(A) (L);  
8 Ex. 1(A) (M); Ex. 1(A) (N); Ex. 1(A) (O); Ex. 1(A) (P); Ex. 1(A) (Q);  
9 Ex. 1(B); Ex. 1(B) (B); Ex. 1(B) (C); Ex. 1(B) (D); Ex. 1(B) (E);  
10 Ex. 1(B) (F); Ex. 1(B) (G); Ex. 1(B) (H); Ex. 1(B) (I); Ex. 1(B) (J);  
11 Ex. 1(B) (K); Ex. 1(B) (L); Ex. 1(B) (M); Ex. 1(B) (N); Ex. 1(B) (O)  
12 and all exhibits thereto; Ex. 1(B) (P) and all exhibits thereto;  
13 Ex. 1(B) (Q) and all exhibits thereto; Ex. 1(C) and all exhibits  
14 thereto; Ex. 1(D) and all exhibits thereto; Ex. 1(E) and all  
15 exhibits thereto; Ex. 1(J) and all exhibits thereto; Ex. 1(K);  
16 Ex. 1(O); Ex. 1(P); Ex. 1(Q); Ex. 1(S); Ex. 1(T); Ex. 1(U);  
17 Ex. 1(V); Ex. 1(W); Ex. 1(X); Ex. 1(Y); Ex. 1(AA); Ex. 1(CC); Ex.  
18 2 and all exhibits thereto; Ex. 3 and all exhibits thereto; Ex. 4  
19 and all exhibits thereto; Ex. 5 and all exhibits thereto;  
20 Ex. 1(G); Ex. 1(G) (A); Ex. 1(G) (B); Ex. 1(G) (C); Ex. 1(G) (M);  
21 Ex. 1(G) (N); Ex. 1(G) (O); Ex. 1(G) (P); Ex. 1(H) (F); Ex. 1(H) (P);  
22 Ex. 1(H) (R); Ex. 1(H) (R) (A); Ex. 1(H) (R) (X); Ex. 1(H) (R) (CC);  
23 Ex. 1(H) (R) (DD); Ex. 1(H) (R) (EE); Ex. 1(H) (R) (FF); Ex. 1(H) (S);  
24 Ex. 1(H) (Z); Ex. 1(H) (CC); Ex. 1(H) (DD); Ex. 1(I); Ex. 1(I) (A);  
25 Ex. 1(I) (II); Ex. 6 and all exhibits thereto; Ex. 7 and all  
26 exhibits thereto; Ex. 8 and all exhibits thereto; Ex. 10; Ex.  
27 10(A).  
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1 **F. More Prejudicial Than Probative**

2 Armstrong has supplied scores of documents which offer no  
3 facts probative of the dispute before this Court, but which  
4 simply excoriate the Church, its lawyers, its religion, and/or  
5 its adherents. This evidence is as offensive as it is  
6 irrelevant. Pursuant to Evidence Code §352, it should be  
7 stricken: Ex. 1, 1:3-11:20; 12:27-14:6, 14:22-17:20; 18:13-23;  
8 22:5-30:25; Ex. 1(A); Ex. 1(A)(A); Ex. 1(A)(E); Ex. 1(A)(L);  
9 Ex. 1(A)(M); Ex. 1(A)(P); Ex. 1(A)(Q); Ex. 1(B); Ex. 1(B)(H);  
10 Ex. 1(B)(M); Ex. 1(B)(N); Ex. 1(B)(O) and all exhibits thereto;  
11 Ex. 1(B)(P) and all exhibits thereto; Ex. 1(B)(Q) and all  
12 exhibits thereto; Ex. 1(E) and all exhibits thereto; Ex. 1(G);  
13 Ex. 1(G)(A); Ex. 1(G)(B); Ex. 1(G)(C); Ex. 1(G)(M); Ex. 1(G)(N);  
14 Ex. 1(G)(O); Ex. 1(G)(P); Ex. 1(H)(F); Ex. 1(H)(P); Ex. 1(H)(R);  
15 Ex. 1(H)(R)(A); Ex. 1(H)(R)(X); Ex. 1(H)(R)(DD); Ex. 1(H)(R)(EE);  
16 Ex. 1(H)(R)(FF); Ex. 1(H)(S); Ex. 1(H)(Z); Ex. 1(H)(CC);  
17 Ex. 1(H)(DD); Ex. 1(I); Ex. 1(I)(A); Ex. 1(I)(B); Ex. 6 and all  
18 exhibits thereto; Ex. 7 and all exhibits thereto; Ex. 8 and all  
19 exhibits thereto; Ex. 10; Ex. 10(A).

20 **G. Duplicative**

21 It is unnecessary and wasteful to load the Court's files  
22 with copy after copy of lengthy documents in response to a single  
23 motion, but Armstrong has done just that. Plaintiff objects to  
24 the admission of the following documents on the grounds that they  
25 are copies of documents previously filed by either plaintiff or  
26 Armstrong in connection with the pending summary adjudication  
27 motions: Ex. 1(B)(A); Ex. 1(E)(E)(1); Ex. 1(H); all of Volume  
28



1 VIII; Ex. 4 and all exhibits thereto.

2 **H. Filed In Violation of Court Orders**

3 Finally, Armstrong has included amongst his massive Court  
4 filings documents which are protected by the sealing orders of  
5 various courts. Armstrong should not be permitted to use the  
6 files of this Court to violate court orders. Plaintiff  
7 accordingly moves that the following documents, submitted in  
8 violation of sealing orders of the respective courts in which the  
9 documents were first filed, be stricken: (1) Documents from the  
10 case file in Church of Scientology International v. Fishman, et  
11 al., sealed on August 15, 1995 [Ex. B to Request for Judicial  
12 Notice: Ex. 2(A) and exhibits thereto (Declaration of Hana  
13 Whitfield); (2) Documents from the case file in Margery Wakefield  
14 v. Church of Scientology of California, et al., Exhibit 4(B) (In  
15 Camera Motion to Show Cause Why Plaintiff Should Not Be Held in  
16 Criminal Contempt).

17 **VI.**  
18 **CONCLUSION**

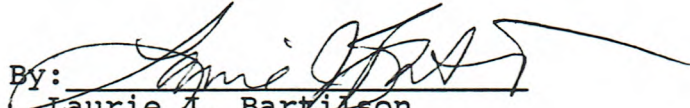
19 The evidence filed by Armstrong is untimely, irrelevant,  
20 seeks to expose plaintiff's trade secrets and should not be  
21 considered as it was filed in propria persona although he was  
22 represented by counsel. Plaintiff asks this Court to strike all  
23 of the ten volumes of "evidence" or, in the alternative, to  
24 strike the Confidential Exhibits. Plaintiff also requests that  
25 Armstrong and Mr. Greene be sanctioned, pursuant to C.C.P. §  
26 437c(i), in the amount of \$2,000. Finally, in the alternative,  
27 plaintiff has provided specific objections to Armstrong's late-  
28 filed evidence, and requests that it be stricken accordingly.



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Dated: September 25, 1995

Respectfully submitted,  
  
Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO  
  
MOXON & BARTILSON

By:   
Laurie J. Bartilson  
Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY INTERNATIONAL



PROOF OF SERVICE

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF LOS ANGELES        )

I am employed in the County of California, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028.

On September 26, 1995, I served the foregoing document described as CHURCH OF SCIENTOLOGY INTERNATIONAL'S OBJECTIONS TO ARMSTRONG'S EVIDENCE IN SUPPORT OF OPPOSITION TO PLAINTIFF'S PENDING MOTIONS FOR SUMMARY ADJUDICATION; MOTION TO STRIKE EVIDENCE; AND REQUEST FOR SANCTIONS FROM GERALD ARMSTRONG AND FORD GREENE [C.C.P. § 437c(i)]; CHURCH OF SCIENTOLOGY INTERNATIONAL'S OBJECTIONS TO ARMSTRONG'S EVIDENCE IN SUPPORT OF OPPOSITION TO PLAINTIFF'S PENDING MOTIONS FOR SUMMARY ADJUDICATION; MOTION TO STRIKE EVIDENCE; AND REQUEST FOR SANCTIONS AGAINST GERALD ARMSTRONG AND FORD GREENE [C.C.P. § 437c(i)]; REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF'S OBJECTIONS TO ARMSTRONG'S EVIDENCE IN OPPOSITION TO PLAINTIFF'S PENDING MOTIONS FOR SUMMARY ADJUDICATION on interested parties in this action,

[ ] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [ ] the original [X] true copies thereof in sealed envelopes addressed as follows:

GERALD ARMSTRONG  
715 Sir Francis Drake Blvd.  
San Anselmo, CA 94960-1949

MICHAEL WALTON  
700 Larkspur Landing Circle  
Suite 120  
Larkspur, CA 9493



BY MAIL

\*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on \_\_\_\_\_ at \_\_\_\_\_, California.

\*\*(BY PERSONAL SERVICE) I delivered such envelopes by hand to the offices of the addressees.

Executed on September 26, 1995, at Los Angeles, California.

(State) I declare under penalty of the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

        Laurie Besh          
Print or Type Name

        *[Signature]*          
Signature

\* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

\*\* (For personal service signature must be that of messenger)